



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

5

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,417	07/07/2003	Stephen L. Parkhurst	SLP10014-5US	7417
7590	10/07/2005		EXAMINER	
M. Michelle Muller Vinson & Elkins L.L.P. 2300 First City Tower 1001 Fannin Street Houston, TX 77002-6760			OH, SIMON J	
			ART UNIT	PAPER NUMBER
			1618	
			DATE MAILED: 10/07/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/614,417	PARKHURST ET AL. <i>[Signature]</i>
	Examiner	Art Unit
	Simon J. Oh	1618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 March 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-46 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Papers Received

Receipt is acknowledged of the applicant's response, received on 04 March 2005.

Claim Rejections - 35 USC § 101 and 112

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejection of Claim 37 under 35 U.S.C. 112, second paragraph, as being indefinite is maintained.

The rejection of Claim 37 under 35 U.S.C. 101 is maintained

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejection of Claims 1-46 under 35 U.S.C. 102(a) as being anticipated by Piccini et al. is hereby withdrawn.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejection of Claims 1-46 under 35 U.S.C. 103(a) as being unpatentable over Piccini et al. is maintained.

Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piccini et al. (U.S. Patent No. 6,548,136) in view of Wang et al. (U.S. Patent Application Publication No. 2004/0254555)

The Piccini et al. patent teaches wet wipe compositions useful for cleansing, disinfecting, and providing a pleasant scent (See Abstract; and Column 6, Lines 25-64). The wipes are impregnated with a liquid composition, which in turn comprises bleach, such as alkali metal dichloroisocyanurates (See Column 6, Lines 9-14; and Column 7, Lines 23-37). Ethanol may be present in the liquid composition (See Column 11, Lines 34-54). Various nonionic surfactants may be used with varying chain lengths and varying ethoxylation degrees (See Column 9, Line 55 to Column 10, Line 39). Chelating agents such as aspartic acid and glutamic acid may be also be included in the liquid composition (See Column 12, Lines 64-67). Various agents may be used to adjust the pH of the liquid composition, which include alkaline agents such as alkali metal hydroxides and acidic agents such as citric acid (See Column 11, Lines 25-33). Viscosity modifiers and stabilizers may be present in the liquid composition. Suitable thickeners include polyacrylic resins. Suitable stabilizers include polyethylene glycols such as Carbowax (See Column 13, Lines 9-31).

Regarding Claims 2-8, 30-36, 41, and 42, it is the position of the examiner that these claims are drawn to intended use. Therefore, they are not given patentable weight by the examiner. In making this rejection, it is the position of the examiner that the claim limitations

used to describe the particular components of the instantly claimed invention are sufficiently broad, that they are interpreted by the examiner to be well within the bounds of the prior art.

The Piccini et al. patent does not disclose the use of an absorbent substrate.

The Wang et al. publication discloses absorbent articles, such as wet wipes, comprising an absorbent core further comprising a superabsorbent material (See Abstract; and Sections 0005 and 0017-0019). Superabsorbent materials contemplated for use include DRYTECH, FAVOR, HYSORB, and SANWET (See Table 1).

It would be obvious to one of ordinary skill in the art to combine the prior art references in order to arrive at the instantly claimed invention. One of ordinary skill would recognize that it would be desirable to provide a superabsorbent article as the substrate in a wet wipe composition, and combine the articles disclosed in Wang et al. with the compositions disclosed in Piccini et al. in order to obtain a wet wipe article with superior cleansing properties that can cleanse an area of the body whilst mopping up waste matter. As both prior art references are drawn to personal care articles, they are considered by the examiner to be analogous art, and thus, one of ordinary skill in the art would have a reasonable expectation of success of successfully combining the prior art references. Hence, the instantly claimed invention is *prima facie* obvious.

Response to Arguments

Applicant's arguments filed 04 March 2005 have been fully considered but they are considered moot in view of the new grounds of rejection presented above.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon J. Oh whose telephone number is (571) 272-0599. The examiner can normally be reached on M-F 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Simon J. Oh
Examiner
Art Unit 1618

sjo

THURMAN K PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600